

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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*In the Matter of:*

Delaware Station Post Office  
Albany, New York 12209  
(Delaware Area Neighborhood  
Association, Petitioner)

Docket No. A2011-1

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**NOTICE OF UNITED STATES POSTAL SERVICE**  
(November 5, 2010)

By means of Order No. 567 (October 22, 2010), the Postal Regulatory Commission docketed correspondence from a neighborhood association representing customers of the Delaware Station in Albany, New York, assigning PRC Docket No. A2011-1 as an appeal pursuant to 39 U.S.C. § 404(d).<sup>1</sup> That Order, at page 3, set November 5, 2010 as the date by which “[t]he Postal Service shall file the administrative record in this appeal, or otherwise file a responsive pleading to the appeal.” This pleading responds to that directive.

The Postal Service notes that it does not have a final administrative record supporting the discontinuance of Delaware Station that complies with the standards applicable to a Post Office discontinuance, as the Commission likely expects. The discontinuance of Delaware Station does not require an official administrative record conforming to Post Office discontinuance standards

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<sup>1</sup> Delaware Station appears on the list of stations and branches identified for possible discontinuance in PRC Docket No. N2009-1. See USPS-N2009-1-4 - Current List of Stations/Branches Identified As Candidates for Discontinuance Study Under Station/Branch Optimization/Consolidation Initiative (Public Version) (January 29, 2010.).

because Delaware Station is not a Post Office and Commission jurisdiction under 39 U.S.C. § 404(d) does not attach.<sup>2</sup>

As the Commission is well aware, the Postal Service understands that the Commission lacks subject matter jurisdiction under 39 U.S.C. § 404(d) to review Postal Service decisions regarding the discontinuance of stations and branches. *See generally* Reply Brief of the United States Postal Service (December 16, 2009), section III (pp. 6-12), PRC Docket No. N2009-1; Comments of United States Postal Service Regarding Jurisdiction Under (Current) Section 404(d), PRC Docket No. A2010-3 (April 19, 2010).

The Postal Service could file a motion to dismiss the proceedings, and it would resemble that filed in the Hacker Valley case, PRC Docket No. A2009-1, supplemented by material from the pleadings cited in the previous paragraph. History suggests such an act would not be constructive.<sup>3</sup> In this matter, Petitioner fails to allege facts that constitute a condition precedent to any jurisdiction of the Commission under section 404. 39 U.S.C. § 404(d)(5).

In addition to the lack of jurisdiction arising from Delaware Station's status as a station, the procedural requirements of 39 U.S.C. § 404(d) do not apply because the discontinuance of Delaware Station does not qualify as a closure as envisioned by 39 U.S.C. § 404(d). As recognized in PRC Docket No. A2010-3, the section 404(d) procedural requirements do not apply where postal customers do not lose access to postal services due to the location of alternate retail

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<sup>2</sup> As a courtesy, the final determination affecting Delaware Station appears as Exhibit 1.

<sup>3</sup> See, e.g., PRC Order No. 319 (October 19, 2009).

facilities in “close proximity” to the discontinued station. See Order No. 477, PRC Docket No. A2010-3 (June 22, 2010) at 7-8. The Commission recognized that 1.7 miles qualified as “a close proximity.” See *id.* Five other postal facilities are located within 1.7 miles of the Delaware Station. See Exhibit 2 (printout from “Locate a Post Office” on [USPS.Com](http://USPS.Com))<sup>4</sup> Accordingly, due to the close proximity of other postal facilities, the discontinuance of the Delaware Station will not cause postal customers to lose access to postal services and the section 404(d) procedures do not apply.

The Commission may wish to consider whether these events should become part of docket PI2010-1. But the Postal Service understands that Commission assertion of jurisdiction at this time does not appear able to benefit the situation, postal customers, or the Postal Service.

Respectfully submitted,

UNITED STATES POSTAL SERVICE  
By its attorneys:

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Support

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November 5, 2010

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<sup>4</sup> This printout uses the term “Post Office” for retail units staffed by postal employees, thus including stations, branches and Post Offices. The Delaware Station is actually supervised by the Albany Post Office which is located approximately 6.8 miles away at 30 Karner Rd., Albany NY 12288, to the north of Delaware Station.

# **EXHIBIT 1**

FINAL DETERMINATION TO CLOSE  
THE DELAWARE STATION, NY CLASSIFIED STATION  
AND PROVIDE  
RETAIL AND POST OFFICE BOX  
SERVICE THROUGH THE ALBANY HUDSON AVENUE, NY POST OFFICE

DOCKET NUMBER 12209

## **I. RESPONSIVENESS TO COMMUNITY POSTAL NEEDS**

The Postal Service has determined to close the Delaware, NY Classified Station and provide post office box delivery service at the Hudson Avenue, NY Post Office, located 1.42 miles away. The post office box customers will be able to retain their address if they move to the Hudson Avenue Post Office. If they choose to rent a post office box at another location or receive carrier delivery, they will have to change their address.

The Delaware Station offers post office box delivery and retail services to 154 post office box customers. The revenue has continued to decline and with the moderate number of retail transactions provided, the Postal Service feels that effective and regular service will continue to be provided through post office box, city delivery and retail service provided by the Hudson Avenue Post Office. Additionally there is one contract postal unit, and twelve post offices, stations and branches located within four miles.

The Delaware Classified Station provides service 36 3/4 hours a week from 8:45 a.m. to 1:00 p.m. and 2:00 p.m. to 4:30 p.m., Monday through Friday, and 9:00 a.m. to 12:00 p.m. on Saturday to 154 post office box customers. Retail services include the sale of stamps, stamped paper, and money orders; special services such as Registered, Certified, Insured, Delivery Confirmation, Signature Confirmation, COD, and Express Mail; and the acceptance and dispatch of all classes of mail. Daily retail window transactions average 219. Office receipts for the last three years were: \$276,444 in FY-2007; \$285,300 in FY-2008 and \$263,369 in FY-2009. There are no permit mail customers.

When this final determination is implemented, delivery and retail services will be provided by the Hudson Avenue Station. All operations will be moved to this location. Window service hours at the Hudson Avenue Station are from 7:00 a.m. to 5:30 p.m., Monday through Friday and 7:00 a.m. to 12:00 noon on Saturday. There are 248 Post Office boxes available at a decreased .

Retail service is also available at the Empire Plaza Station, located approximately 1.2 miles away. Window service hours at Empire Plaza Station are from 9 a.m. to 4:45 p.m. Monday through Friday.

On November 4, 2009, representatives from the Postal Service were available at the Elks Lodge to answer questions and provide information to customers. Thirty eight customers attended the meeting.

A petition supporting the retention of the Delaware Classified Station was received on November 4, 2009 with 864 signatures.

The following postal concerns were expressed at the community meeting and the petition.

1. **Concern:** Customers were concerned about having to travel to another post office for service.

**Response:** Some customers will have to travel farther to obtain services. Since there is one contract postal unit and twelve post offices, stations and branches located within four miles of the Delaware Station, the Postal Service feels that customers can combine trips for service with other errands that are completed during the day. Customers also have the option of carrier delivery which would eliminate trips to the post office to obtain their mail. The Postal Service has taken steps to make obtaining services and products easier. Stamps by Mail envelopes are available at your local office. Alternate locations to buy stamps are listed under "Locate a Post Office" at [www.usps.com](http://www.usps.com). Customers can also purchase stamps by phone at (800) 782-6724 or on-line at [www.usps.com](http://www.usps.com).

2. **Concern:** Customers asked why their Post Office was being discontinued while others such as Delmar were retained.

**Response:** Post Offices are reviewed on a case-by-case basis. Workload at the Delaware Station has declined. This reduced workload and the fact that there are 12 alternate locations within a four mile radius suggest that the continuation of the Delaware Station may not be warranted. The small number of customers served as well as viable alternative means in close proximity where postal retail services are available indicate that city delivery service will continue to provide a maximum degree of effective and regular service to the community.

3. **Concern:** Customers said they would miss the special attention and assistance provided by the personnel at the Delaware Station.

**Response:** Courteous and helpful service will be provided by personnel at the Hudson Avenue Post Office and from the carrier. Special assistance will be provided as needed.

4. **Concern:** Customers expressed concern over a postal representative not being customer oriented.

**Response:** The Postal Service is a customer-oriented organization that works hard to get its customers and employees to share that orientation. We appreciate hearing from customers on how successful those efforts have been. In this case, the concerns and opinions of the Delaware customers are very important in determining the best alternate form of effective and regular service to offer the community.

5. **Concern:** Customers expressed concern over the apparent lack of interest by the Postal Service for the needs of the community.

**Response:** The Postal Service is very interested in the service needs of the community and customer feedback is crucial to improving service. Concerns raised by the community will be investigated by the Postal Service and appropriate actions will be taken.

6. **Concern:** Customers were concerned about senior citizens and customers with disabilities.

**Response:** Carrier service is beneficial to many senior citizens and those who face special challenges because the carrier can provide delivery and minimal retail services to their residences. Customers do not have to make a special trip to the post office for service. Special provisions are made for hardship cases or special customer needs. To request an exception for hardship delivery, customers may contact the Albany postmaster for more information.

7. **Concern:** Customers were concerned about having to travel to another post office for service. Community concerns were raised that approximately 25% of the community does not own a vehicle. Also, they were concerned that some customers who utilize the Delaware Station are struggling to make ends meet; to travel longer would be an undue hardship.

**Response:** The Postal Service feels that customers can combine trips for service with other errands that are completed during the day. Customers also have the option of carrier delivery which would eliminate trips to the post office to obtain their mail. The Postal Service has taken steps to make obtaining services and products easier. Stamps by Mail

envelopes are available at your local office. Alternate locations to buy stamps are listed under "Locate a Post Office" at [www.usps.com](http://www.usps.com). Customers can also purchase stamps by phone at (800) 782-6724 or on-line at [www.usps.com](http://www.usps.com).

8. **Concern:** Customers were concerned that there will be more driving time that will be required to get to other locations, which is an environmental issue.

**Response:** We understand and appreciate your concerns about the environment. The United States Postal Service is the world's largest and most efficient mail delivery system. Handling almost half of the world's mail requires the use of many resources. The Postal Service understands that ensuring the sustainability of our planet involves using resources wisely so there is enough for future generations. We take great effort to cause as little harm to the environment as possible and have implemented a number of programs that reduce, reuse, recycle, and rethink our use of resources that impact the environment.

9. **Concern:** Customers complained about the parking at the Hudson Avenue Office.

**Response:** There are 12 alternative locations located within 4 miles of the Delaware community. Customers can also help the parking and traffic congestion situations by trying to visit offices during non peak times, which are generally, when the window opens in the morning, during lunch and closing time. The Postal Service is certainly aware that customers lead busy lives and we have taken steps to make obtaining services and products easier. Stamps by Mail envelopes are available at your local office. Customers can purchase stamps by phone at (800) 782-6724 or through the internet at [www.usps.com](http://www.usps.com).

10. **Concern:** Customers felt that the data was skewed, the Census data is stale, and there is no transparency in what formula is used during the decision making process. Specifically, there is major construction in process to revitalize the Delaware area that has caused all types of business to be down; with an anticipation of increased business when the project is completed. A concern that the current year data is not reflective of data under normal circumstances. One customer questioned rumor that offices with no parking lots were targets.

**Response:** The decision to close a station or a branch is based on certain criteria. These include the effect on the community served; the effect on employees of the office; the economic savings to the Postal Service; and any other factors the Postal Service determines necessary. Before a final determination is made, the Postal Service will determine if the proposed alternate service will provide regular and effective postal services to the community. Businesses generally require regular and effective postal services, and these will always be provided to the Delaware community.

11. **Concern:** Customers were concerned about the community input process.

**Response:** All impacted Post Office Box customers received written notification of the community meeting, a notice was posted in the lobby of the Delaware Station and a public notice was placed in the local newspaper for five business days. While the meeting time may not have been convenient for all, customers were given the option to respond to the study in writing.

12. **Concern:** Customers indicated that there is urban bias and that suburban stations were spared early on.

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**Response:** Post Offices are reviewed on a case-by-case basis. Workload at the Delaware Station has declined; the small number of customers served as well as viable alternative means in close proximity where postal retail services are available indicate that city delivery service will continue to provide a maximum degree of effective and regular service to the community.

13. **Concern:** The community wants a calculation of walking distance and time added to the mileage computations for alternate access sites included in the final determination.

**Response:** A sample was given of an average walking speed of 1.5 to 2.0 mph. Actual travel time would vary based on originating and destinating locations.

14. **Concern:** Customers were concerned about the handling of hazmat and similar hazardous materials.

**Response:** Specific mailing requirements must be met when hazardous materials are mailed. The Postal Service is committed to keeping its employees and customers safe. The Postal Service has developed a Biohazard Detection System (BDS); designed for the highest possible level of detection.

15. **Concern:** Customers wanted to know if their comments would be made available

**Response:** Community was advised that a request for information can be obtained via the FOIA process.

16. **Concern:** A public official did not feel public officials were notified in advance.

**Response:** Any and all Public officials that we had addresses for were contacted in advance.

**Some advantages to the final determination are:**

1. Carrier delivery service is beneficial to some senior citizens, the handicapped, and working people since customers will no longer need to travel to the post office to pick up their mail.
2. Stamps by Mail order forms are provided for customer convenience for those customers receiving city delivery service.
3. Customers opting for carrier service will have 24-hour access to their mail.
4. A savings for the Postal Service, which contributes in the long run to stable postage rates and savings for customers.
5. Customers opting for carrier service will no longer have to pay post office box fees.
6. City delivery services saves time and energy for customers who drive to the post office to pick up mail.

**Some disadvantages to the final determination are:**

1. The loss of a retail outlet in the community.
2. A possible change in mailing address. Customers choosing post office box service at the Hudson Avenue office will not experience a change of address. Customers choosing city

delivery service will experience an address change. Mail will be forwarded in accordance with postal regulations, and change of address forms are available from the Postal Service to assist customers in notifying correspondents of the change.

3. Customers needing services from a post office will have to travel to another location for those services. The Hudson Avenue Station is located 1.42 miles away.

Taking all available information into consideration, the Postal Service concludes this final determination will provide a maximum degree of effective and regular postal services to the community.

## **II. EFFECT ON COMMUNITY**

Delaware Station is located in the incorporated City of Albany. The area is administered politically by the City of Albany. Police and fire protection, are provided by the City of Albany. The community is comprised of low to moderate income people, senior citizens and disabled people, customers who do not have means to a vehicle and those who walk to work, and those who work in local businesses.

There are 33 stores, banks, religious institutions, and businesses located around the Delaware Station. Residents walk to downtown stores for supplies and services.

The following non-postal concerns were expressed at the community meeting and from customer letters:

1. **Concern:** Customers expressed concern for loss of community identity.

**Response:** A community's identity derives from the interest and vitality of its residents and their use of its name. To help preserve community identity, the community's name and ZIP Code will be retained in the mailing address.

2. **Concern:** Customers felt the loss of a post office would have a detrimental effect on the business community.

**Response:** Businesses generally require regular and effective postal services, and these will always be provided to the Delaware community.

3. **Concern:** Customers felt the loss of the Delaware Station would discourage new businesses from coming to the community.

**Response:** Businesses generally require regular and effective postal services, and these will always be provided in the Delaware community. There is no indication that the business community will be adversely affected. Most new businesses moving to the community do not depend on the location of a post office, but on the provision of effective and regular postal services.

4. **Concern:** Customers were concerned about growth in the community.

**Response:** Based on information the Postal Service obtained, it was determined that there has been minimal growth in the area in recent years. However, service through the Hudson Avenue Station and the other contract postal units, post offices, stations and branches within the area is expected to be able to handle any future growth in the community.

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5. **Concern:** Customers were concerned about the loss of a gathering place and an information center.

**Response:** Residents may continue to meet informally, socialize, and share information at the other businesses, churches and residences in town.

To help preserve community identity, the community's name and ZIP Code will be retained in the mailing address. No change of address will be required for customers choosing post office box service at the Hudson Avenue Post Office.

Based on information obtained in the course of this discontinuance study, the Postal Service concludes this proposal will not adversely affect the community.

### III. **EFFECT ON EMPLOYEES**

The clerk will be reassigned within the Albany Post Office and maintain bidding status within that office. No other employee will be adversely affected.

### IV. **ECONOMIC SAVINGS**

The Postal Service estimates annual savings of \$95,558 with a breakdown as follows:

Clerk Salary (PS-6, Minimum)	\$40,122
Fringe Benefits @33.5%	13,440
Maintenance	7,943
Inter-Station Mail Transportation	18,120
Rental Costs, Plus Utilities	<u>+17,487</u>
Total Annual Costs	\$97,112
Less Cost of Replacement Service	<u>- 1,554</u>
Total Annual Savings	\$95,558

A one time expense of \$5,000 will be incurred for building modifications.

### V. **OTHER FACTORS**

The Postal Service has identified no other factors for consideration.

### VI. **SUMMARY**

The Postal Service has determined to close the Delaware Station and provide retail and delivery service through Hudson Avenue Post Office, located approximately 1.42 miles away. Post office box customers will have the option of retaining their post office box and number at the Hudson Avenue Office, or closing the box and receiving carrier delivery service. Present carrier delivery customers will receive the same service with the exception of traveling to pick up accountable mail and parcels that the carrier was unable to deliver.

The clerk will be reassigned within the city of Albany Post Office and maintain bidding status within that office. No other employee will be adversely affected.

The Delaware Station provides 36 3/4 hours of window service per week to 154 customers. Daily retail window transactions average 219. There are no permit mailers.

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There will be a loss of a retail outlet in the area. However, Post Office Box and carrier service at the Hudson Avenue Post Office will continue to provide effective and regular service. To help preserve identity, the name and ZIP Code will be retained in the mailing address. The Postal Service will save an estimated \$95,558 annually. A disadvantage to some may be in the extra travel to obtain services.

Taking all available information into consideration, the Postal Service has determined that the advantages outweigh the disadvantages and this final determination is warranted.

**VII. NOTICES**

Notify customers of the permanent discontinuance of the Delaware Station and advise them of the hours of operation and services available at the Hudson Avenue Post Office, the Empire Plaza Station and the other retail units located within four miles of the Delaware Station. Explain specific information on address changes and why the change is necessary.

Dean J. Granholm  
Vice President  
Delivery and Post Office Operations

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Date

## **EXHIBIT 2**



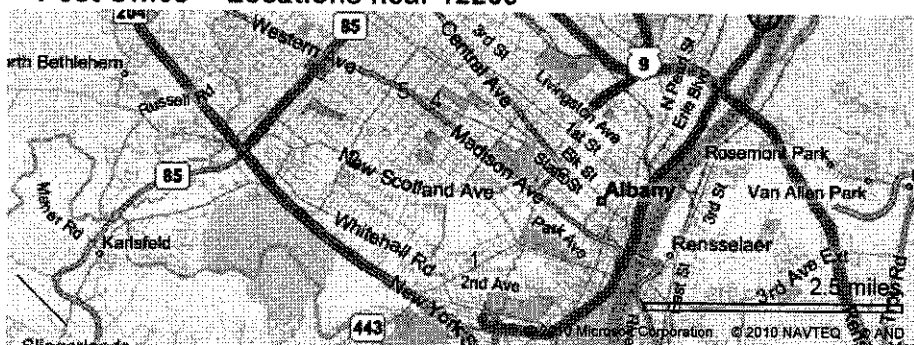
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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <p><b>1 Post Office™</b><br/> <b>Location -</b><br/> <b>DELAWARE</b><br/>           332 DELAWARE AVE<br/>           STE 1<br/>           ALBANY, NY 12209-9998<br/>           (800) ASK-USPS</p> <p>0.4 mi</p> | <p><b>Business Hours</b><br/>           Mon-Fri<br/>           8:45am-1:00pm<br/>           2:00pm-4:30pm<br/>           Sat<br/>           9:00am-12:00pm<br/>           Sun<br/>           closed</p> | <p><b>Services</b><br/> <a href="#">PO Boxes Online</a></p> <p>Service hours may vary. Please check link for business hours.</p> |
| <p><b>2 Post Office™</b><br/> <b>Location -</b><br/> <b>ACADEMY</b><br/>           563 NEW SCOTLAND AVE<br/>           ALBANY, NY 12208-9998<br/>           (800) ASK-USPS</p> <p>1.3 mi</p>                   | <p><b>Business Hours</b><br/>           Mon-Fri<br/>           8:30am-5:00pm<br/>           Sat<br/>           9:00am-12:00pm<br/>           Sun<br/>           closed</p>                              | <p><b>Services</b><br/> <a href="#">PO Boxes Online</a></p> <p>Service hours may vary. Please check link for business hours.</p> |
| <p><b>3 Post Office™</b><br/> <b>Location - EMPIRE STATE PLAZA</b><br/>           240 STATE ST<br/>           ALBANY, NY 12210-2142<br/>           (800) ASK-USPS</p> <p>1.5 mi</p>                            | <p><b>Business Hours</b><br/>           Mon-Fri<br/>           9:00am-4:45pm<br/>           Sat-Sun<br/>           closed</p>                                                                           | <p><b>Services</b><br/> <a href="#">PO Boxes Online</a></p> <p>Service hours may vary. Please check link for business hours.</p> |
| <p><b>4 Post Office™</b><br/> <b>Location - CPU ST ROSE COLLEGE</b><br/>           432 WESTERN AVE<br/>           ALBANY, NY 12203-1450<br/>           (800) ASK-USPS</p>                                      | <p><b>Business Hours</b><br/>           Mon-Fri<br/>           10:00am-2:00pm<br/>           Sat-Sun<br/>           closed</p>                                                                          |                                                                                                                                  |

1.6 mi

- 5 Post Office™**  
**Location - PINE**  
 5 S ALLEN ST STE 1  
 ALBANY, NY 12208-2201  
 (800) ASK-USPS
- Business Hours**  
 Mon-Fri  
 8:30am-12:30pm  
 1:30pm-4:00pm  
 Sat-Sun  
 closed
- Services**  
[PO Boxes Online](#)  
 Service hours may vary. Please check link for business hours.

1.7 mi

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| <p><b>6</b> <b>Post Office™</b><br/> <b>Location -</b><br/> <b>CAPITOL</b><br/>           25 EAGLE ST<br/>           ALBANY, NY 12224-9997<br/>           (800) ASK-USPS</p> <p>1.7 mi</p>         | <p><b>Business Hours</b><br/>           Mon-Fri<br/>           9:30am-4:00pm<br/>           Sat-Sun<br/>           closed</p>                                              | <p><b>Services</b><br/> <a href="#">PO Boxes Online</a></p> <p>Service hours may vary. Please check link for business hours.</p>                                                                         |
| <p><b>7</b> <b>Post Office™</b><br/> <b>Location -</b><br/> <b>HUDSON AVENUE</b><br/>           45 HUDSON AVE<br/>           ALBANY, NY 12207-9998<br/>           (800) ASK-USPS</p> <p>1.8 mi</p> | <p><b>Business Hours</b><br/>           Mon-Fri<br/>           8:00am-5:30pm<br/>           Sat-Sun<br/>           closed</p>                                              | <p><b>Services</b><br/> <a href="#">Passport Application</a><br/> <a href="#">Services</a><br/> <a href="#">PO Boxes Online</a></p> <p>Service hours may vary. Please check link for business hours.</p> |
| <p><b>8</b> <b>Post Office™</b><br/> <b>Location - FORT ORANGE</b><br/>           450 CENTRAL AVE<br/>           ALBANY, NY 12206-9998<br/>           (800) ASK-USPS</p> <p>1.9 mi</p>             | <p><b>Business Hours</b><br/>           Mon-Fri<br/>           8:30am-5:00pm<br/>           Sat<br/>           9:00am-12:00pm<br/>           Sun<br/>           closed</p> | <p><b>Services</b><br/> <a href="#">PO Boxes Online</a></p> <p>Service hours may vary. Please check link for business hours.</p>                                                                         |
| <p><b>9</b> <b>Post Office™</b><br/> <b>Location -</b><br/> <b>ALBANY ANNEX</b><br/>           747 BROADWAY<br/>           ALBANY, NY 12207-9211<br/>           (800) ASK-USPS</p> <p>2.1 mi</p>   |                                                                                                                                                                            |                                                                                                                                                                                                          |

**10 Post Office™****Location -  
RENSSELAER**

531 EAST ST  
RENSSELAER, NY  
12144-9998  
(800) ASK-USPS

2.3 mi

**Business Hours**

Mon-Fri  
9:00am-5:00pm  
Sat  
9:00am-12:00pm  
Sun  
closed

**Services****PO Boxes Online**

Service hours may vary. Please  
check link for business hours.

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